

REMARKS

By this amendment, claims 1, 6, 10, 11, 14, 17 and 21 have been amended. Claims 1, 11 and 17 have been amended for clarification as discussed further herein, in view of the Examiner's suggestions in order to advance the prosecution (see Office Action, page 4, lines 3-8). Dependent claims (6, 10), (14) and (21) were amended in view of the amendment of the respective base claim. Claims 1-21 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, withdrawal of the final action, and allowance of the application, as amended, is respectfully requested.

Rejection under 35 U.S.C. §103

Claims 1-5, 11-13, 17 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hoch (U.S. Pub. No. US 2003/0191753 A1), hereinafter **Hoch**, in view of Barton et al. (U.S. Pub. No. US 2002/0072982 A1), hereinafter **Barton**. With respect to claim 1, Applicant respectfully traverses this rejection on the grounds that the **Hoch** and **Barton** references are defective in establishing a prima facie case of obviousness.

Independent claim 1 as now presented, and in view of the Examiner's suggestions in order to advance the prosecution (see Office Action, page 4, lines 3-8), recites, inter alia, "a first selector device connected all the time with at least one database source of material of an Internet-based environment ... the first selector device accesses and searches the ... database source of material [of the *Internet-based environment*] and provides ... a first subset of identifications of items ... at a highest hierarchical level, based on a first set of parameters ... , further ... the first selector device accesses and searches the ... database source of material [of the *Internet-based environment*] on a weekly basis to maintain the first subset of identifications of items up to date, the first subset of identifications of items being stored in a database of the playlist generator, and a second selector device operatively coupled subsequent to the

first selector device via the database of the playlist generator, wherein the second selector device searches the first subset of identifications stored in the database of the playlist generator at a lower hierarchical level based on a second set of parameters ... and provides at an output of the second selector device a second subset of identifications of items within the at least one database source of material [of the Internet-based environment] ..." (emphasis added). Support for claim 1 (as well as for claims 11 and 17) can be found in the specification at least on page 3, lines 7-13 and 27-31; page 4, lines 23-29; page 5, lines 1-12; page 7, lines 22-31; and element 140 (illustrated by a database symbol) of FIGs. 1 and 2.

Applicant submits that neither Hoch nor **Barton** discloses at least the aforementioned feature of independent claim 1. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of **Hoch** and **Barton** is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

Hoch teaches filtering content with a multilevel hierarchical searching method based on a user's persona information using a learning mechanism. As illustrated in FIG. 6 thereof, the method of **Hoch** performs a search for content at one or more nodes of the community (step 602), filters the information received from the one or more nodes in response to the search (step 603), generates a search result (step 604), presents the search result (step 605), queries whether the user is satisfied (step 607), and if not satisfied, then receives a [user's] selection of at least a portion of the search result (step 606) and returns to step 602 wherein the method again searches the content at one or more nodes of the community (step 602) and thereafter repeats (emphasis added) (See Hoch at paragraph [0071] and [0074]-[0076]). Accordingly, while **Hoch** discloses filtering using multiple levels of details and a learning algorithm based on a user's persona information, the method of **Hoch** teaches repeated searching the *nodes* of the *community* at the successive levels of the multilevel hierarchical searching. Accordingly,

Hoch does not teach or suggest at least the aforementioned feature of independent claim 1.

Barton teaches a method for interacting with a user that employs a *captured sample* of an *experimental environment* in which the *user* exists as a *command* to *trigger* subsequent events (see **Barton** at paragraph [0006]). In paragraph [0013], **Barton** discloses that “a personal digital assistant or computer could be specially enabled to act as the *interactive service itself* by storing the database in its memory and performing the database query and processing without externally accessing the service.” **Barton** further discloses in paragraph [0013] that “transmission to the service provider would only be needed for additional interaction and potentially for updates of the *music database*, such as periodically (e.g., *weekly*).” In other words, the database (corresponding to the **service**) that would be stored on the personal digital assistant or computer is configured to operate without externally accessing the service (i.e., without accessing the external database), *except for* additional interaction or updates to the database stored on the PDA or computer. Thus, **Barton** does not provide a disclosure that remedies the aforementioned deficiency in the citation to **Hoch**. Accordingly, a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Claims 2-5 depend from and further limit independent claim 1 and therefore are allowable as well. Accordingly, the 35 U.S.C. §103(a) rejection thereof has now been overcome. Withdrawal of the rejection is requested.

Independent claim 11 has been amended herein to include limitations similar to those of claim 1. Accordingly, claim 11 is believed allowable for at least the same reasons as presented herein above with respect to overcoming the rejection of claim 1,

and an early formal notice thereof is requested. Claims 12 and 13 depend from and further limit independent claim 11 and therefore are allowable as well. Accordingly, the 35 U.S.C. §103(a) rejection thereof has now been overcome. Withdrawal of the rejection is requested.

Independent claim 17 has been amended herein and includes limitations similar to those of claim 1. Accordingly, claim 17 is believed allowable for at least the same reasons as presented herein above with respect to overcoming the rejection of claim 1, and an early formal notice thereof is requested. Claim 18 depends from and further limits independent claim 17 and therefore is allowable as well. Accordingly, the 35 U.S.C. §103(a) rejection thereof has now been overcome. Withdrawal of the rejection is requested.

Claims 6, 14 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Hoch**, in view of **Barton** as applied to claims 1, 11 and 17 above, in view of *Salam et al.* (U.S. Patent No. U.S. 6,594,654, hereinafter **Salam**). Applicant respectfully traverses this rejection for at least the following reason. Claim 6 depends from and further limits allowable independent claim 1 and therefore is allowable as well. Claim 14 depends from and further limits allowable independent claim 11 and therefore is allowable as well. Claim 21 depends from and further limits allowable independent claim 17 and therefore is allowable as well. Accordingly, the 35 U.S.C. §103(a) rejection thereof has now been overcome. Withdrawal of the rejection is requested.

Claims 7-9, 15, 16, 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Hoch**, in view of **Barton** as applied to claims 1, 11 and 17 above, in view of *Breese et al.* (U.S. Patent No. U.S. 6,006, 218, hereinafter **Breese**). Applicant respectfully traverses this rejection for at least the following reason. Claims 7-9 depend from and further limit allowable independent claim 1 and therefore are allowable as well.

Claims 15 and 16 depend from and further limit allowable independent claim 11 and therefore are allowable as well. Claims 19 and 20 depend from and further limit allowable independent claim 17 and therefore are allowable as well. Accordingly, the 35 U.S.C. §103(a) rejection thereof has now been overcome. Withdrawal of the rejection is requested.

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over **Hoch**, in view of **Barton**, and further in view of **Breese**, as applied to claim 7 above, and further in view of **Salam**. Applicant respectfully traverses this rejection for at least the following reason. Claim 10 depends from and further limits allowable independent claim 1 and therefore is allowable as well. Accordingly, the 35 U.S.C. §103(a) rejection thereof has now been overcome. Withdrawal of the rejection is requested.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claims 1, 11 and 17 are in condition for allowance. Dependent claims 2-10 depend from and further limit independent claim 1 and therefore are allowable as well. Dependent claims 12-16 depend from and further limit independent claim 11 and therefore are allowable as well. Dependent claims 18-21 depend from and further limit independent claim 17 and therefore are allowable as well.

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The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. Withdrawal of the final action and issuance of an early formal notice of allowance of claims 1-21 is requested.

Respectfully submitted,

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